

Transition EIS – Public Scoping Comments Summary

Letter #	Page #	Comment	Issues Identification Explanation	Tracking of Comment
AIR QUALITY				
3	Att. 1	If well testing uses flaring of produced gas, the EIS should consider the potential environmental impact should there be prolonged flaring of gas from multiple wells drilled from a common pad.	Non-issue (General statement)	Flaring does not occur on the ANF.
3	Att. 1	The impact of these activities on climate change should be discussed.	Non-issue (Specialists need to consider for potential analysis purposes)	
3	Att. 1	EPA recommends the use of clean diesel technology to reduce emissions from mobile and stationary equipment.	Non-significant issue (Outside the scope of the proposed action)	
3	Att. 1	The ability to use spent wells and the forest resources for CO2 sequestration should be discussed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	2	Impacts to public resources on the ANF due to increased carbon dioxide and other greenhouse gas emissions and global warming caused by the exploration, extraction and use of oil & gas pumped from sites on the ANF.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	4	Potential effects on local and regional air quality as regulated by applicable federal and state laws and regulations should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
ALTERNATIVES/ANALYSIS				
1	29	The Forest Service failed to comprehensively disclose the cumulative effects of “the most significant land use change over the past 20 years” on the Allegheny and must do so now. At a minimum, the cumulative effects analysis must look at past, present and reasonably foreseeable future oil and gas developments and the impacts	Non-issue (Specialists need to consider for potential analysis purposes)	

		these developments have on: (see list)		
1	30	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must incorporate requirements of the National Environmental Policy Act for any approval and/or authorization for access to and surface occupancy of National Forest System lands for the exercise of private mineral rights. The standards must include a statement that the Forest Service will conduct, at minimum, an environmental assessment exploring all reasonable alternatives that will mitigate detriments to surface resources.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	30	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must incorporate applicable Pennsylvania laws and regulations. This would include the Oil and Gas Act, 58 P.S. §§ 601.101 et seq, and the DEP regulations such as the PA DEP Oil and Gas Operators Manual which implement the Act and other applicable laws.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	30	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must incorporate Endangered Species Act requirements and require consultation with the U.S. Fish and Wildlife Service prior to authorizing access and surface occupancy...	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	30	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must incorporate Clean Air Act requirements for reducing emissions of pollutants from stationary	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	

		sources and new sources. Individual wells and cumulative developments are known “facilities” in terms of air quality assessment and require Clean Air Act permit for continued operation and future expansion. The Forest Service must impose restrictions on OGM development to manage for climate change, carbon dioxide sequestration, HAPS, and all criteria air pollutants and green house gas emissions as the public will suffer environmental and economic damage from global climate change.		
1	30	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must incorporate Clean Water Act requirements, especially with regards to non-attaining streams or streams threatened with being degraded within the Allegheny National Forest. Federal agencies must ensure that any authorized activity on federal lands complies with all applicable water standards, 33 U.S.C. § 1323(a).	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	30	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must incorporate requirements of the National Historic Preservation Act.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	30	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must incorporate requirements of the Native American Graves Protection and Repatriation Act.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	

		require coordination among private mineral owners/operators to reduce surface impacts, including the miles of new road construction and reconstruction.		
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require limiting the number of roads to the minimal amount needed.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require that all private oil and gas operators first consider directional drilling from already disturbed sites.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require the Forest Service to file a timely objection with the PA DEP or the appropriate department in other states if the location of a proposed private mineral development will impact habitat for threatened, endangered and sensitive species, recreational trails, wetlands, Wilderness, Wilderness Study Areas, National Recreation Areas, Inventoried Roadless Areas, National Scenic Byways, Scenic Areas, Research Natural Areas, National Natural Landmarks, Remote Recreation Areas and other areas of special significance to ensure that federal surface resources are protected.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require that copies of the state approved drilling	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	

		permits be submitted before surface disturbing activities occur; this was a requirement in the 1986 Plan for the Allegheny National Forest.		
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require that private mineral operators pay for the use of surface sandstone for road and well site construction and development after the preparation of a site-specific NEPA analysis.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require that all abandoned wells will be plugged, according to state law; roads will be gated and will be used only for oil and gas production and FS administration; and slash from clearing roads, well sites, and other areas will be kept out of the springs, seeps, and streams. Timber should not be skidded across streams.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require that clearings are limited to the minimum size necessary.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require restoration, stabilization and removal of equipment of abandoned well sites.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require watershed level planning and mandate that	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	

		private mineral operators submit complete development plans that include present and reasonably foreseeable future activities within the entire watershed with no allowance of parceling developments in order to ignore cumulative effects. The Forest Service must determine the Total Maximum Daily Load for each watershed and manage activities to prevent exceedances in order to protect water resources.		
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require that crude oil storage tanks be located in upland areas away from streams and wetlands.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	31	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require that clearings will avoid den and unique mast producing tree wherever possible.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	32	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must require that well sites and access roads should be placed in such a manner, given site topography and locations of springs and streams, to minimize sedimentation and other detrimental effects on surface resources.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	32	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – require that all sites that are no longer used and/or occupied (by) a private oil and gas developer be restored before any further access is authorized for that oil and gas developer.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	

1	32	Forest Service must require a comprehensive forest-wide restoration program to address decades of impacts of oil and gas drilling.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	32	Baseline for what must be included in at least one alternative in the Transition EIS in order to comply with the 1982 planning regulation – standards must prevent illegal ATV riding, on roads and cross-country, and the operation of unregistered vehicles.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
1	32-63	Comments provided on Forest Plan standards and guidelines.	Non-issue (Comment is related to Forest Planning not the site-specific proposed action)	
2	2	The Forest Service must recognize the inherent legal rights vested with the owners of outstanding and reserved oil and gas rights. The Forest Service should take no action that seeks to eliminate or diminish those legal rights in any way. Thus, the Forest Service should not consider any alternative that denies reasonable access to reserved and outstanding mineral rights. In fact, API has concerns about the Forest Service using this scenario as the No-Action scenario, even if the suggestion is that this would simply be a baseline. The baseline should be an alternative that acknowledges and protects the inherent rights of owners of outstanding and reserved oil and gas rights.	Non-significant issue (CEQ regulations require consideration of a no-action alternative even if found to be illegal)	
2	2	It is important that all resources be represented equitably not only in the planning criteria, but also in the factors which will be considered by alternative(s), effects to be addressed in the analysis of environmental consequences and determinations used to select a preferred alternative.	Non-issue (General statement)	
2	2, 3	It is necessary for the following factors to be included in the planning analysis: Management	Non-issue (Specialists need to consider for potential analysis)	

		options that would protect to explore for and develop oil and gas resources. Management options for surface resource management that are compatible with oil and gas resource management objectives. Reasonable mitigation measures designed to limit or avoid impacts to surface resources as a means to lessen restrictions on access to public lands for leasing and development of the underlying mineral estate(s). Lack of currently understood oil and gas potential or current industry interest will not be used as a basis for closing lands or imposing constraints on exploration and development activities.	purposes)	
2	3	API recommends that the planned EIS address the following: cumulative impacts of reasonably foreseeable oil and gas development – we recommend that the Forest Service use a method that incorporates historical data on what types of impacts have typically occurred in the area, as well as patterns of surface use associated with contemporary oil and gas (especially shale gas) development in the Marcellus and in other regions. Discussion of cumulative impacts related to possible development should include not only possible impacts of oil and gas activities, but also the measures routinely employed to mitigate adverse effects. In addition, we recommend that the Forest Service determine reasonably foreseeable development with reference to acceptable levels of surface disturbance rather than the number of wells in then planning area. This gives both the Forest Service and industry needed flexibility in future development opportunities, such as drilling multiple wells from a single pad or drilling from an area that has been previously cleared or utilized for	Non-issue (Specialists need to consider for potential analysis purposes)	

		drilling operations so as to minimize overall footprint.		
2	3	API recommends that the planned EIS address the following: Areas of low, moderate, high and unknown potential for oil and gas in the study area – we would like to emphasize that the lack of potential or lack of current industry interest should not be considered a basis for closing lands or imposing constraints on future development. Levels of interest can change quickly, rendering an area previously considered to have low potential highly prospective due to new information, technology or economics. It is important that future opportunities to explore for and develop oil and gas resources not be indiscriminately foreclosed by road access decisions made.	Non-issue (General statement)	
2	4	API recommends that the planned EIS address the following: specifically identify available mitigation measures, consistent with outstanding and reserved oil and gas rights, to minimize or avoid possible impacts that could result from future oil and gas activities – Section 1502 of the Council on Environmental Quality Regulations on the National Environmental Policy Act directs that mitigation measures be identified in the EIS which may be employed to reduce or entirely avoid impacts to other resource values. While this could be construed to mean that only lease stipulations need to be identified, we believe it is crucial to discuss other types of mitigation which may be utilized at the time of oil and gas drilling, both exploration and development, such as area-wide standards and guidelines for oil and gas operations. This information is necessary because it illustrates that	Non-issue (General statement)	

		with appropriate mitigation, oil and gas activities are compatible with other resource uses, including those in sensitive areas.		
2	4	API recommends that the planned EIS address the following: disclose how opportunities to explore for and develop oil and gas resources will be affected by the management of other surface resource management decisions – Many past planning documents written for federal agencies have discussed the impacts oil and gas activities may have on other resource values, but they have failed to adequately describe the effects surface resource management decisions may have on future subsurface opportunities and activities. Therefore, we strongly urge the Forest Service to describe the impacts of surface management decisions and trade-offs selected as they relate to oil and gas opportunities.	Non-issue (Specialists need to consider for potential analysis purposes)	
3	1	The EIS should discuss the potential for Marcellus Shale exploration and development in the Forest. Impacts from this type of activity should be thoroughly explained in the EIS. Projections of the extent of the seam should also be included.	Non-issue (Specialists need to consider for potential analysis purposes)	
3	Att. 1	The opportunities to minimize surface disturbance through directional drilling, use of common roads by different owners, etc. should be analyzed and presented.	Significant Issue	
3	Att. 1	Any processing facilities needed should be discussed. This would include where they are sited, any permits, and environmental impacts.	Non-issue (General statement)	
3	Att. 1	All temporary and permanent roads, including roads or clearing associated with seismic survey, access to drilling areas, etc; should be evaluated for direct, indirect, and cumulative impacts.	Non-issue (Specialists need to consider for potential analysis purposes)	

3	Att. 1	Estimates of the numbers of truck, drilling rigs, generators needed for all oil and gas activities should be stated. The impacts to air, noise, parking, impervious surface, road requirements should be evaluated. The impacts associated with volume of trucks needed for water hauling should be evaluated.	Non-issue (Specialists need to consider for potential analysis purposes)	
3	Att. 1	Environmental features should be mapped prior to construction activities. Impacts to these areas should be avoided and minimized. An appropriate environmental mitigation package should be developed in with the Forest and appropriate state and federal agencies.	Non-issue (General statement)	
3	Att. 1	Impacts associated with any piping for gas conveyance (clearing, haul roads for construction, roads needed for maintenance; temporary and permanent impacts) should be discussed.	Non-issue (Specialists need to consider for potential analysis purposes)	
3	Att. 1	The justification for well spacing, buffers and any other assumptions or distances should be explained in the EIS.	Non-issue (General statement)	
3	Att. 1	Well construction specifications (including depth of casing; grouting methods; methods to prevent potential contamination of aquifers) should be described.	Non-issue (General statement)	
3	Att. 1	Cutting, spent fracturing fluids, or production water should be evaluated to determine whether there are levels of Naturally Occurring Radioactive Materials (NORM) or any contaminants that may require special handling or disposal.	Non-issue (Specialists need to consider for potential analysis purposes)	
3	Att. 1	Disposal methods for brines/spent water and the equipment required for these activities should be discussed.	Non-issue (General statement)	
3	Att. 1	The effects of fracturing shale layers to get to gas deposits and the effects on groundwater should be	Non-issue (Specialists need to consider for potential analysis	

		evaluated.	purposes)	
8	2	All potential impacts from surface disturbance, land clearing, construction, emissions of solid, liquid or gaseous wastes or petroleum (permitted, unpermitted or accidental), or noise, light at night, visual impacts and all other potential effects on surface resources should be fully and rigorously analyzed for any potential harm, impairment, loss or alteration that may be caused to surface resources and/or their use by the public for recreation or scientific study.	Non-issue (Specialists need to consider for potential analysis purposes)	
AUTHORITY				
1	20	...the Forest Service can reasonably regulate private actions on the federally-owned surface estate and such regulation is a completely valid exercise of federal authority, even if that regulation has limited and incidental impacts on the owners of the underlying private oil and gas property interests.	Non-issue (General statement)	
1	29	...the Forest Service's duty to protect the National Forest System surface resources mandates strong language that emphasizes (1) that the Forest Service will uphold its right as a surface owner and that disturbance of the federal surface will only be permitted to the extent that it is necessary, and (2) that the Forest Service has the authority to regulate use and occupancy which includes the authority to determine the reasonable use of the federal surface.	Non-issue (General statement)	
2	2	The Forest Service should defer to the established law on outstanding and reserved rights, which allows for the owners of outstanding and reserved rights to exercise those rights subject only to the limitations defined by the original conveyance or reservation. The Forest Service should therefore	Non-issue (General statement)	

		reconsider moving forward with any new requirements, however minor, that it may seek to apply to new requirements to oil and gas activities taken pursuant to outstanding and reserved oil and gas rights.		
5	1, 2	The PGE comments submitted on March 29, 2009 regarding the SEIS NOI (February 27, 2009; 74 <i>Fed. Reg.</i> 8899) are herein incorporated by reference and reiterated in full. The TEIS NOI incorporates the identical S&Gs identified in the SEIS as the S&G's to be applied in the TEIS process to the site-specific proposals. Accordingly, this renders the TEIS process subject to the same comments and objections.	Non-issue (Comments related to Forest Planning not the site-specific proposed action)	
5 9	2	The TEIS process suffers three infirmities: first, the U.S. Forest Service may not preempt state law governing common law property rights; second, the TEIS is invalid as it is part of an unlawful settlement agreement; and third, its implementation effects a penalty in violation of the Paperwork Reduction Act.	Non-issue (General statement)	
5	2-4	The TEIS may not lawfully use the ANF 2007 Forest Plan S&Gs proposed, as there is no law authorizing the U.S. Forest Service to preempt or otherwise displace state laws governing common law easements or those regulating private oil and gas development on lands acquired under the Weeks Act...	Non-issue (General statement)	
5	7	...PGE objects to the Design Criteria to the extent they impose unreasonable and unduly burdensome requirements and restrictions on PGE's lawful right to develop its oil and gas interests in the ANF. PGE requests that the Forest Service limit the scope of the TEIS to the requirements of existing laws and	Non-issue (General statement)	

		policy for the development of the ANF, and not adopt any inconsistent or conflicting standards and guidelines, especially those that interfere with PGE's lawful rights to access its outstanding and reserved oil and gas interests.		
6	1	The POGAM comments submitted on March 29, 2009 regarding the SEIS NOI (February 27, 2009; 74 Fed. Reg. 8899) are herein incorporated by reference and reiterated in full. The TEIS NOI incorporates the identical S&Gs identified in the SEIS as the S&G's to be applied in the TEIS process to the site-specific proposals. Accordingly, this renders the TEIS process subject to the same comments and objections.	Non-issue (Comments related to Forest Planning not the site-specific proposed action)	
6	2	The TEIS process suffers three infirmities: first, the U.S. Forest Service may not preempt state law governing common law property rights; second, the TEIS is invalid as it is part of an unlawful settlement agreement; and third, its implementation effects a penalty in violation of the Paperwork Reduction Act.	Non-issue (General statement)	
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6	7	...POGAM objects to the Design Criteria to the extent they impose unreasonable and unduly burdensome requirements and restrictions on PGE's lawful right to develop its oil and gas interests in the ANF. POGAM requests that the Forest Service limit the scope of the TEIS to the	Non-issue (General statement)	

		requirements of existing laws and policy for the development of the ANF, and not adopt any inconsistent or conflicting standards and guidelines, especially those that interfere with PGE's lawful rights to access its outstanding and reserved oil and gas interests.		
11	1	I am the owner of oil and gas rights in the Allegheny National Forest. My ancestors and predecessors in title would have never deeded the surface to US without reserving and excepting the oil and gas rights and other rights to enter and produce the same. They sold the land because it was stripped of timber and at that time nobody knew it would grow back. My rights trump the rights of the surface owner. I can cut trees, build roads, drill well where I wish and even build houses for equipment and workers. You shall see that when it goes to court. Tell this to the tree hugging environmentalists who live in the big cities and know nothing of law or forests.	Non-issue (General statement)	
ECONOMIC				
2	3	API recommends that the planned EIS address the following: socio-economic considerations and benefits from oil and gas activities – a comprehensive analysis of the socio-economic benefits of oil and gas development activities in the area should be an essential component of the review. A chart representing costs of administering the mineral program and industry's financial contributions to local, state and federal treasuries would also be appropriate. In this time of economic recession, the oil and gas industry has stood strong and continues to provide significant jobs, revenues to the government, and indirect	Non-issue (Specialists need to consider for potential analysis purposes)	

		economic stimulation. The specific benefits flowing to Pennsylvania in this regard should be underscored.		
HERITAGE				
8	2	Any disturbance of human burials, structures, ruins, objects, inscriptions, works of art or sacred sites associated with habitation or other use by Native Americans. The Forest Service must formally consult with the Seneca Nation of Indians regarding these issues, as required by applicable federal laws and regulations	Non-issue (General statement)	
HYDRO/SOILS				
1	9	The proposed Part 1 OGD developments affect 25 major watersheds and 72 subwatersheds. Table 3 summarizes the affected watersheds and subwatersheds that will be impacted by the proposed Part 1 OGD. The TEIS must analyze existing OGD conditions in these watersheds. Most of these watersheds are already significantly impacted by OGD projects. (reference Table 3 – pages 9 & 10)	Non-issue (Specialists need to consider for potential analysis purposes)	
3	Att. 1	Sediment should be kept out of wetlands, streams, etc. Sediment and erosion controls for areas around wells should be mandated.	Non-issue (General statement)	
3	Att. 1	Oil and gas activities should not be sited in floodplains.	Non-issue (General statement)	
3	Att. 1	Stormwater should not be discharged directly to streams, wetlands, or other aquatic habitats.	Non-issue (General statement)	
3	Att. 1	The water source to be used for drilling should be specified.	Non-issue (General statement)	
3	Att. 1	Standards/designs to insure integrity of lagoons/pits constructed to hold clean and dirty water required as part of drilling, sediment and erosion controls should be developed. We recommend considering	Non-issue (General statement)	

		the use of steel tanks rather than lined pits.		
8	3	Potential hydrologic, hydraulic, physical, chemical, temperature or other effects on any intermittent or perennial waterway, with substantial study and analysis for any waterway listed under Chapter 93 of the Pennsylvania Code as Exceptional Value (EV), High-Quality Cold Water Fishery (HQ-CWF), High-Quality Warm Water Fishery (HQ-WWF), Trout Stocked Fishery (TSF), Migratory Fishes (MF), or a tributary thereof; and with substantial additional study and analysis for any waterway designated by the Pennsylvania Fish and Boat Commission as a Wild Trout Stream or listed under “PA Stream Sections that Support Natural Reproduction of Trout,” (see http://www.fish.state.pa.us/trout_repro.htm), or tributary thereof should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	3	Potential hydrologic, hydraulic, physical, chemical, temperature or other effects on any wetland, spring, seep or area with shallow groundwater should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	3	Potential hydrologic, hydraulic, physical, chemical, temperature or other effects on any pond, lake, reservoir or other impoundment should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	3	Potential hydrologic, hydraulic, physical, chemical, temperature or other effects on any ephemeral pool, such as vernal and autumnal pools should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	3	Potential hydrologic, hydraulic, physical, chemical, temperature or other effects on any designated Riparian Area or any area within 200 feet of any feature listed in numbers 6, 7, 8 and 9 above should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	

8	3	Potential effects caused by contamination of groundwater and the migration of any such contamination, including the predicted direction and extent of potential plumes of groundwater contamination for each potential well should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
MANAGEMENT AREAS				
1	7	The Allegheny FS must provide stronger protections in Management Areas 2.2, 5.2, 6.1, 8.1, 8.2, 12 (and in Management Areas 3.0 or 7.2, or other management areas that provide high ecological value or special remote recreation). Other management areas that do not appear to be currently impacted by Part I proposed OGD projects, but may be in Part II – or in additional Part I OGD cases that the public does not currently have access to – that also need stronger protections include 5.1, 6.1, 6.3, 8.3, 8.4, 8.5.	Non-significant issue (already decided by law, regulation or policy – Forest Plan; outside the scope of the proposed action)	
1	7	The proposed OGD index area 1a is impacting Management Areas 5.2 Wilderness Study Area and 8.2 National Recreation Area with 1,691 wells, 422.75 miles of road, encompassing 11,649 acres; and proposed OGD index area 12 is impacting Management Area 8.1 Wild and Scenic River.	Non-issue (General statement)	
8	3	Potential effects on any surrounding, adjacent or nearby congressionally designated unit of the National Wilderness Preservation System (Wilderness Area); or Wilderness Study Area; or citizen-proposed wilderness area...should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	4	Potential effects on any surrounding, adjacent or nearby area designated as part of ANF Management Areas 2.1, 2.2, 6.1, 8.1, 8.4, or 8.6 should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	

8	4	Potential effects on any surrounding, adjacent or nearby National Recreation Area, Remote Recreation Area, Research Natural Area, Scenic Area, Inventoried Roadless Area, or any type of buffer zone or area should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
PROCESS				
1	1	This proposed TEIS fails to (and indeed cannot) properly reflect the Forest Service’s substantive obligations under the National Forest Management Act (NFMA) and the 1982 planning rule to protect the federal surface. These substantive obligations drive the scope of alternatives and require site-specific mitigation measures. The problem for the Forest Service, however, is that it failed to consider oil and gas drilling a significant issue during the revision of the 1986 Forest Plan and still does not have mandatory standards and guidelines that fully reflect the Forest Service’s authority to regulate private oil and gas drilling on the Allegheny. By trying to put the EIS cart before the substantive standards and guidelines horse, the Forest Service is violating both the National Environmental Policy Act (NEPA) and, more importantly, its substantive obligations pursuant to NFMA and the 1982 planning rule. The Forest Service simply cannot complete an analysis for regulating site-specific oil and gas drilling projects when it has yet to make a final decision regarding forest-wide standards and guidelines regulating oil and gas drilling.	Non-issue (General statement)	
1	1	Another problem with the TEIS is that it is intended to be both forest-wide and “site-specific.” While it is possible that the Forest Service could prepare a TEIS that just looked at forest-wide impacts and consider a range of possible standards and	Non-issue (General statement)	

		guidelines in various alternatives, it is not possible for the Forest Service to conduct site-specific analyses (such as those proposed in Part I) and evaluate proposed site-specific mitigation measures until the agency knows what the forest-wide standards and guidelines actually are. There's just too many "moving parts" the way the Forest Service is currently proceeding.		
1	1	ADP incorporates by reference our comments on the DEIS for the proposed revised Forest Plan and our appeal of the Record of Decision for the 2007 Revised Forest Plan and accompanying FEIS.	Non-issue (Comments related to Forest Planning not the site-specific proposed action)	
1	4	87% of the proposed oil and gas wells that the Forest Service is considering "authorizing reasonable access" for do not have any road locations identified. It is impossible for the public to make informed, site-specific comments on road locations that do not exist. The Forest Service cannot proceed through this NEPA process continually adding road locations because that constitutes new information and a need to restart the NEPA process altogether.	Non-issue (General statement)	
1	4	It is obvious that "the overall costs of obtaining" road locations from companies wanting to access the federal surface for the purpose of constructing roads to facilitate oil and gas drilling "are not exorbitant" for the agency. Therefore, if these companies refuse to provide this information, their proposed development plans must be withdrawn from this analysis altogether. Furthermore, the Forest Service is at risk of having to prepare supplemental EIS's if it plans on adding road locations later in the process...	Non-issue (General statement)	
1	5	It goes without saying that if the Forest Service's	Non-issue (General statement)	

		proposed action includes road locations for just 13% of the proposed wells, increasing that percentage later in the process will mark “substantial changes in the proposed action that are relevant to environmental concerns.”		
1	5	All the Forest Service has done is put a dot where a proposed well could be located on a landscape scale map with very little to no site-specific detail. There is no information on streams, soils, slopes, stone pits, pipeline locations, storage tank battery locations, and other infrastructure associated with oil and gas development...the public cannot make meaningful comments on a proposal lacking this information.	Non-issue (General statement)	
1	8	Oil and gas development is a major presence in the Forest that causes significant detrimental effects and impacts on all areas of forest management. The Forest Service can and must do more to address this by fulfilling its obligation to conduct NEPA-imposed environmental assessment and/or impact statements not just through this forest-wide EIS but at the site-specific project level, imposing stricter standards and guidelines, and developing and studying alternatives that consider all management options, including mineral rights acquisition.	Non-issue (General statement)	
1	11	Part II of the Proposed Action does not comply with NEPA because it only makes reference to the <i>potential</i> of a NEPA analysis for future Part II projects...Unfortunately, the Part II “site-specific review process” sounds uncomfortably familiar with the Forest Service’s previous internal (and illegal) review process that it used for years prior to the April 2009 settlement agreement.	Non-issue (General statement)	
1	11	...the Forest Service has not clearly defined what	Non-issue (Specialists need to	

		“the bounds of the analysis conducted as part of the Transition EIS” are. Are the bounds just the 67 “areas” identified in Part I (Area 1a-20p) or are “the bounds” broader than that? It is not clear from the information provided in the proposed action.	consider for potential analysis purposes)	
1	12	...The public must be included in every decision regarding site-specific proposals for access to and surface occupancy of the Allegheny for the purposes of exercising private mineral rights...The violation occurs under the proposed Part II because there is no process to include public officials and citizens before decisions are made and before actions are taken. As it is currently configured, Part II would only allow public involvement if the USFS decides that a separate NEPA analysis must be done for a Part II project. The Part II process incorrectly gives the Forest Service discretion (without the authority to do so) to decide that a Part II project area is covered by previous surveys. An agency decision-maker (in isolation, without public knowledge or involvement) can decide to allow the Part II project to move forward if the decision-maker feels that enough analysis has been done in Part I, or mitigate the proposal impacts (without a NEPA process), or drop the project (without a NEPA process. Part II of the Proposed Action simply does not follow NEPA guidelines.	Significant Issue	
1	13	The Forest Service refused to hold Transition EIS public meetings throughout the broader geographic region where the Allegheny National Forest users come from (Buffalo, NY; Cleveland, Ohio, Pittsburgh, PA) which allowed for disproportionate influence from the local oil and gas industry...Public Participation has declined	Non-issue (General statement)	

		throughout the Transition EIS process in spite of citizens requesting meetings be held at more accessible times and locations...		
2	2	Any action taken by the Forest Service should be consistent with the rights of owners of outstanding and reserved oil and gas rights.	Non-issue (General statement)	
3	1	The EIS should clearly define the purpose and need of the project.	Non-issue (General statement)	
3	1	The relationship between the settlement, the Supplemental DEIS, and the Transition EIS (Parts 1 and 2) should be clearly explained	Non-issue (General statement)	
3	1	The EIS should identify all resources in and near the areas of disturbance, disclose all impacts associated with the oil and gas projects, evaluate avoidance and minimization measures, and include mitigation for unavoidable environmental impacts	Non-issue (General statement)	
3	Att. 1	All required permits should be listed in the EIS.	Non-issue (General statement)	
3	Att. 1	Site clearing requirements should be explained.	Non-issue (Specialists need to consider for potential analysis purposes)	
3	Att. 1	A discussion of the deeds should be included in the EIS. Do any of the deeds contain provisions that expressly grant and/or expressly limit the deed-holder's surface access/use? There should be a mechanism in place to check the deeds for these issues.	Non-issue (General statement)	
3	Att. 1	The range of surface activities that constitute access to the surface as reasonably necessary to extract the resources should be discussed.	Non-issue (General statement)	
5	4, 5	...should the Forest Service go forward, a sixty-day limitation period must be included in the design criteria. It should state that, if the Forest Service has not completed all aspects of its review within that period, its authority to further delay	Non-issue (General statement)	

		development or deny access lapses and expires for all purposes.		
6	4	...should the Forest Service go forward, a sixty-day limitation period must be included in the design criteria. It should state that, if the Forest Service has not completed all aspects of its review within that period, its authority to further delay development or deny access lapses and expires for all purposes.	Non-issue (General statement)	
8	2	At present, the Forest Service (“FS”) has provided almost no site specific information on known, proposed (Part I) OGM developments. By our calculations approximately 85% of the roads needed to service the Part I developments do not appear on any mapping or other documentation provided to the public by the FS. In addition, we find no comprehensive information detailing other needed infrastructure that would necessitate land clearing for the Part I OGM developments. This infrastructure includes tank batteries, pipelines and new or expanded stone pits...the Forest Service must obtain or develop all of the aforementioned information regarding all Part I OGM development proposals prior to performing analyses needed to produce the DEIS. If the FS does not do this, the agency cannot perform any meaningful, substantive site specific analyses of the Part I proposed developments.	Non-issue (General statement)	
RECREATION				
4	1	...strongly recommends the protection of hiking trails and their viewsheds in the Allegheny National Forest which includes the North Country Trail.	Non-issue (General statement)	
4	1, 2	...we are concerned about that portion of area 1a that lies to the west of Route 321, which includes	Significant Issue	

7	email	all of parcel 3704 and portions of parcels 3702 and 3711. This consists mostly of land within a National Recreation Area, with the remaining area being Developed Recreation Area (specifically, the Tracy Ridge Campground), according to the 2007 Management Area Map. The Transition EIS Map dated June 22, 2009 indicates that 8 or 10 wells are proposed to be drilled within the Tracy Ridge Campground itself. It also indicates that about 200 wells are planned for parcel 3704 which, by my rough calculation, covers about two square miles. If all these wells are drilled as proposed, it would decrease the enjoyment of camping in Tracy Ridge Campground and of hiking on the Tracy Ridge National Recreation Trails between Johnnycake Run and Tracy Run, which is a substantial part of the system, due principally to the density of proposed wells.		
4 7	2 email	Keystone Trails Association strongly disagrees with the statement of page 148 of the Allegheny National Forest Land and Resource Management Plan: “The development of privately owned oil, gas, and mineral resources does not compromise the recreational, scenic, cultural, and other natural values of the [National Recreation] area.” Wells of the density proposed must compromise the recreational and scenic natural values. The wells would certainly downgrade the area’s ROS level and would likely downgrade its Development Level, contrary to the SEIS Alternative 2 Standards and Guidelines	Non-issue (General statement)	
4 7	2 email	The only way to mitigate the impact on the area’s ROS and Development levels is to allow significantly fewer wells than are proposed and	Non-Issue (General statement)	

		those wells that are allowed should not infringe hiking trails and their viewsheds.		
4 7	2 email	Design criteria and site-specific review process: Design criteria and review must take into account the following factors: avoiding established camping areas; avoiding National Recreation Areas; avoiding existing hiking trails and their viewshed; and remaining well clear of National Country Trails and its viewsheds.	Significant Issue	
4 7	2 email	Area 1a is huge and hundreds of wells are proposed to be drilled within it. A relatively small portion lies west of Route 321. If the goal of the Proposed Action is “To provide <i>reasonable</i> access to reserved and outstanding mineral rights beneath National Forest System lands of the Allegheny National Forest” (quote is from the NOI), then it would be <i>reasonable</i> for both the public who enjoys the National Recreation Area and for the owner of the mineral rights within Area 1a to restrict the wells to the portion of Area 1a east of Route 321 (or north of Route 346.	Significant Issue	
10	1, 2	Due to the investment of the Pennsylvania’s Dept. of Conservation and Natural Resources (DCNR) snowmobile registration funds used on the Forest since 1976 for snowmobile trail construction, improvements, bridges, and grooming on the Forest, the “guidelines” relating to the snowmobile system on the ANF are not adequate to protect the system. There must be “standards” which relate to the conditions. For instance, the snow depth left on designated routes “must, shall, or will” be maintained by mandatory use of plow shoes. Snow depth must be four (4) inches or more to allow for a sustainable system that will survive short periods of	Non-issue (General statement)	

		<p>warm up. Oil, gas, and timbering operations must be made responsible for their plowing contractors. In the past, plowing has been largely unregulated and much of it was done without employing plow shoes. Drastic plowing frequently was purposely used to eliminate the snowmobile route.</p> <p>Subsequently, where more than adequate snow depth existed in the Forest, the snowmobile route would be either plowed down to the bare dirt surface or ice, instead of holding a snow base needed on the ANF Snowmobile System (“ANFSS”) between Westline and Marshburg, which is just one example of other similar sections on the ANFSS...On behalf of Tionesta Valley Snowmobile Club, I ask that the changes reflecting standards for plowing ANF snowmobile system be made by the Forest Service through the current TEIS process.</p>		
10	2	I must ask that changes reflecting standards for scenery along recreational trails and public roads be made...	Non-issue (General statement)	
VEGETATION				
3	Att. 1	Vegetated buffers should be maintained and protective fencing or other mechanisms used around aquatic areas and other areas of concern, for protection.	Non-issue (General statement)	
3	Att. 1	Revegetation should comply with Executive Order 13112 regarding invasive species.	Non-issue (General statement)	
8	4	Any potential exacerbation, accelerated spread or new introduction to any area or stand of Beech Bark Disease Complex, Hemlock Woolly Adelgid, Gypsy Moth, Emerald Ash Borer, Chestnut Blight or other forest pests or diseases should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	

WILDLIFE				
1	22	This is not unlike the Allegheny National Forest's practice of telling private oil and gas operators that it is up to them to understand their duties under the Endangered Species Act. That practice must cease immediately and the Forest Service must engage in formal consultation with the US Fish and Wildlife Service on all oil and gas development proposals.	Non-issue (General statement)	
1	22	...the Forest Service must engage in formal consultation with the U.S. Fish and Wildlife Service on the Transition EIS in order to meet its obligations pursuant to the Endangered Species Act.	Non-issue (General statement)	
1	25	The Grunder Run watershed has extensive oil and gas development while the Hedgehog Run watershed does not. The data from the Forest Service's own Biological Evaluation documents how much more sediment loading there is in watersheds with oil and gas roads than in watersheds with no oil and gas roads. Any proposed oil and gas development within the 13% area much trigger an automatic objection to the DEP. (reference graph on page 25)	Non-issue (General statement)	
1	25	...the Forest Service must consult with the U.S. Fish and Wildlife Service at both the planning and project levels to determine the effects of oil and gas development on clubshell and northern riffleshell mussels.	Non-issue (General statement)	
1	26	The Forest Service admits that its analysis regarding the endangered Indiana bat is lacking because "there is not adequate data to assess any change in their population as oil and gas development has increased." The Forest Service must now consider these impacts.	Non-issue (Specialists need to consider for potential analysis purposes)	

1	27	All of the above regarding threatened, endangered, and sensitive species demonstrates the need for strong mandatory regulations that protect these species and their habitat. (List includes bald eagle, clubshell and northern riffleshell mussels, Indiana bat, small whorled pogonia, northern goshawk, and timber rattlesnake)	Non-issue (General statement)	
3	Att. 1	Impacts to habitat from all activities (including noise, light, vibrations, and forest fragmentation) should be evaluated.	Non-issue (Specialists need to consider for potential analysis purposes)	
3	Att. 1	Animal exclusion requirements should be explained.	Non-issue (General statement)	
3	Att. 1	The impact of these activities on state and federally listed species should be analyzed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	2	Potential effects on any federal or state endangered, threatened, or proposed listed species, or other species of special concern should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	3	Potential effects on known habitat, designated or proposed critical habitat, or potential suitable habitat of any federal or state endangered, threatened, or proposed listed species, or other species of special concern should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	3	Potential effects of any management indicator species (MIS) which requires or prefers interior forest conditions should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	3	Potential effects on known habitat or potential habitat of any management indicator species (MIS) which requires or prefers interior forest conditions should be addressed.	Non-issue (Specialists need to consider for potential analysis purposes)	
8	4	Potential effects on surrounding ANF lands due to the introduction of invasive species by road construction, road use and land clearing or other operations of vehicles or heavy equipment on OGM	Non-issue (Specialists need to consider for potential analysis purposes)	

		sites, roads and stone pits should be addressed.		
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